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DATE MAILED: 02/10/2004

| APPLICATION NO.                               | FILING DATE   | FIRST NAMED INVENTOR    | ATTORNEY DOCKET NO. | CONFIRMATION NO. 4319 |  |  |
|---|---------------|-------------------------|---------------------|-----------------------|--|--|
| 09/676,967                                    | 10/02/2000    | Bradford G. Corbett JR. | 0230CG-101          |                       |  |  |
| 75  | 90 02/10/2004 | EXAMINER                |                     |                       |  |  |
| Charles D Gunter Jr, Whitaker, Chalk, Swindle |               |                         | BLOUNT, STEVEN      |                       |  |  |
| & Sawyer, LLP                                 |               |                         |                     |                       |  |  |
| 3500 City Center Towers II                    |               |                         | ART UNIT            | PAPER NUMBER          |  |  |
| 301 Commerce Street                           |               |                         | 2661                |                       |  |  |
| Fort Worth, TX 76102                          |               |                         | D. 177              |                       |  |  |

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary   | 1  | Application No. Applicant           |                  |  | orkett, TR.  |          |  |
|---|--|-------------------------------------|------------------|--|--------------|----------|--|
| Onice Action Summary  | Examiner /   | UNT                                 | <del></del>      | Group Art 266                          | Unit (       |          |  |
| —The MAILING DATE of this communication a   | appears on the cover   | sheet b                             | eneath the       | corresponde                            | nce addi     | ess      |  |
| Period for Reply  |  |                                     |                  |  |              |          |  |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS S<br>OF THIS COMMUNICATION.   | SET TO EXPIRE  | 3_                                  | MONTH(           | S) FROM TH                             | E MAILIN     | G DATE   |  |
| <ul> <li>Extensions of time may be available under the provisions of 37 from the mailing date of this communication.</li> <li>If the period for reply specified above is less than thirty (30) dated in the period for reply is specified above, such period shall, by a Failure to reply within the set or extended period for reply will, less than the period for reply will be period</li></ul> | ys, a reply within the statut<br>default, expire SIX (6) MOI | ory minim                           | um of thirty (3) | 0) days will be co<br>ate of this comm | onsidered to | imely.   |  |
| Status  |  |                                     |                  |  |              |          |  |
| ☐ Responsive to communication(s) filed on   | 10/21/03   |                                     |                  |  | `            | ·        |  |
| This action is FINAL.   | • • •  |                                     |                  |  |              |          |  |
| ☐ Since this application is in condition for allowance e accordance with the practice under Ex parte Quaylo   |  |                                     |                  | o the merits                           | is closed    | l in     |  |
| Disposition of Claims   |  | ٠                                   |                  |  |              |          |  |
| & Claim(s) 4-5, 7-11  |  |                                     | is/are           | e pending in th                        | ne applica   | ation.   |  |
| Of the above claim(s)   | is/are   | is/are withdrawn from consideration |                  |  |              |          |  |
| ☐ Claim(s)  | is/are   | is/are allowed.                     |                  |  |              |          |  |
| □ Claim(s) 4-5, 7-1/  |  |                                     | ie/are           | e reiected.                            |              |          |  |
| ☐ Claim(s)  |  |                                     |                  |  |              |          |  |
| ☐ Claim(s)  |  |                                     |                  | ubject to restr                        | iction or    | election |  |
| Application Papers  |  | ٠.,                                 | requi            | rement.                                |              |          |  |
| ☐ See the attached Notice of Draftsperson's Patent D  | rawing Review, PTO-9   | 48.                                 |                  |  |              |          |  |
| ☐ The proposed drawing correction, filed on   | is 🗆 app   | proved                              | ☐ disapprov      | ed.                                    |              |          |  |
| ☐ The drawing(s) filed on is/are  | objected to by the Exa                                       | ıminer.                             |                  |  |              |          |  |
| ☐ The specification is objected to by the Examiner.   | •  | •                                   |                  |  |              |          |  |
| ☐ The oath or declaration is objected to by the Exami   | ner.   |                                     |                  |  |              |          |  |
| Priority under 35 U.S.C. § 119 (a)-(d)  |  |                                     |                  |  |              |          |  |
| <ul> <li>□ Acknowledgment is made of a claim for foreign prio</li> <li>□ All □ Some* □ None of the CERTIFIED copi</li> <li>□ received.</li> </ul>   |  |                                     |                  |  |              |          |  |
| received in Application No. (Series Code/Serial N   | Number)  |                                     |                  | ·                                      |              |          |  |
| ☐ received in this national stage application from the  | · ——   | (PCT R                              | lule 1 7.2(a)    | ).                                     |              |          |  |
| *Certified copies not received:   |  |                                     |                  | •                                      |              |          |  |
| Attachment(s)   |  | -                                   |                  | -                                      |              |          |  |
| ☐ Information Disclosure Statement(s), PTO-1449, Pa   | per No(s).   | _ (  In                             | iterview Sun     | nmary, PTO-4                           | 13           |          |  |
| □ Notice of Reference(s) Cited, PTO-892   |  |                                     |                  | rmal Patent A                          |              | . PTO-15 |  |
| ☐ Notice of Draftsperson's Patent Drawing Review, P   | ГО- <del>9</del> 48  |                                     |                  |  | •            |          |  |
|   |  |                                     |                  |  |              |          |  |
| •   | Office Action Summa  | ır <b>y</b>                         |                  |  |              |          |  |

U. S. Patent and Trademark Office PTO-326 (Rev. 9-97)

Part of Paper No.

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## **DETAILED ACTION**

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. 4 - 5 and 7 - 11 are rejected under 35 U.S.C. 112 second paragraph for failing to particularly point out and distinctly claim the subject matter which the applicant regards as their invention. In claims 4 and 5, last paragraph, it is stated

"whereby a pre-stressed and pre-located integral gasket is provided withing the socket end of a polyethylene pipe which is securely retained within a receiving groove which is integrally formed about the gasket during the manufacturing step". Further, installing the sealing gasket in the gasket receiving groove is now recited in the *preamble*.

However, the step of providing an integral gasket within the socket end of a polyethylene pipe is never positively recited in the *body* of the claim. The examiner observes that installing the sealing gasket in a gasket receiving groove has been added to the preamble, and that the use of a polyethylene pipe is recited as well. However, since the installation step in the gasket receiving groove is never recited in the body of the claim, the claim is indefinite as to scope. Even though the word comprising is used, the preamble states that a sealing gasket is installed, but what is actually claimed in the body of the claim is a process for *manufacturing* an integral sealing gasket.

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## Claim Rejections - 35 U.S.C. § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 4 5 and 7 11 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 4329193 to Sznopek et al in view of U.S. patent 5,411,619 to Sundqvist et al and U.S. patent 5,988,695 to Corbett Jr.

With regard to claim 4, Sznopek et al teach the invention, including installing an elastomeric gasket (col 5, lines 40+) on a mandrel (col 6, lines 20+) into a locating area formed of a region of decreased external diameter on a forming mandrel of a substantially cylindrical section, and extruding a composite material including a thermosetting plastic. See col 5, lines 27+. Sznopek et al do not, however, teach extruding a strip of *thermoplastic* material, said thermoplastic material made of *polyethylene*. Extruding a strip of thermoplastic material about a mandrel near the end section of the mandrel is taught in Sundqvist et al. See col 1, lines 14+. Having a "polyethylene" material cover a gasket is taught in col 4, line 15 of Corbett Jr. Further, Corbett Jr. also teaches installing an integral sealing gasket within a gasket receiving groove located in a bell connection of a joint of polyethylene pipe. See col 3 lines 60+, col 4 lines 10+, col 4 lines 47 - 60. It would have been obvious to one of ordinary skill in the art at the time of the invention to have extruded a strip of thermoplastic material consisting of polyethylene about the

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mandrel of Sznopek et al, in light of the teachings of Sundqvist and Corbett Jr., in order to provide a method for more easily coating the gasket with a cheaper and simpler material (pure resin) than one that requires the use of fiberglass, and one that has the appropriate thermal properties.

With regard to claim 5, note the rejection of claim 1 above, and further note the rotation in figure 1 of Sundqvist, the locating area 28 in figure 2 of Sznopek et al, and cooling spray in col 2 lines 2+ of Sundqvist et al. Also note that it is common in operations such as these to terminate an extruding step while continuing to rotate its associated mandrel, and note the knife 9 in Sundqvist.

With regard to claim 7, see column 1, lines 57+ of Sundqvist.

With regard to claim 8, see member 11 of Sundqvist.

With regard to claim 9, again see member 9 of Sundqvist.

With regard to claim 10, see col 3 lines 54+ of Sundqvist et al.

With regard to claim 11, note that column 4, lines 12+ teach "heating and pushing" pipe 31 over members 17, 11, and 23. This is an obvious variation of electrowelding.

### Response to Arguments

5. As noted above, since applicant has not positively recited providing an integral gasket within the socket end of a polyethylene pipe in the body of the claim, this is merely intended use to which no patentable weight may be accorded. However, even if patentable weight is accorded to this limitation, it is noted that Corbett Jr. (5988695) teaches this in the sections noted above

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including col 4 lines 10+. As previously noted, having a "polyethylene" material cover a gasket is taught in col 4, line 15 of Corbett Jr. Sundqvist et al is relied upon for its teaching of wrapping thermoplastic material, but they also, in lines 5+ of column 1, teaches manufacturing a pipe joint from a spirally wound thermoplastic profile "at an end of a thermoplastic pipe". Applicants remarks as to Sznopek added limitation of a "region of decreased external diameter" are addressed in the rejection of claim 4 above with respect to their reference to figure 4.

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

#### **Contact Information**

7. Examiner Blount may be contacted at the Patent Office between the hours of 9:00 am to 5:30 P.M. Monday through Friday. His phone number is (703) 305-0319.

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8. Any inquiry concerning this communication should be directed to Examiner Steven Blount at telephone number (703) 305-0319.

Douglas W. Class

DOUGLAS OLMS
SUPERVISORY PATENT EXAMINER
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